



Rep. Larry McKeon

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09300SB0797ham002

LRB093 03139 WGH 50853 a

1 AMENDMENT TO SENATE BILL 797

2 AMENDMENT NO. _____. Amend Senate Bill 797, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 5, by replacing lines 14 and 15 with the following:

5 "Section 90. The State Finance Act is amended by changing
6 Section 5.306 and adding Section 5.625 as follows:

7 (30 ILCS 105/5.306) (from Ch. 127, par. 141.306)

8 Sec. 5.306. The Child Labor, ~~and~~ Day and Temporary Labor
9 Services, and Prevailing Wage Enforcement Fund.

10 (Source: P.A. 92-783, eff. 1-1-03.)"; and

11 on page 9, by inserting after line 27 the following:

12 "Section 93. The Child Labor Law is amended by changing
13 Section 17.3 as follows:

14 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

15 Sec. 17.3. Any employer who violates any of the provisions
16 of this Act or any rule or regulation issued under the Act
17 shall be subject to a civil penalty of not to exceed \$5,000 for
18 each such violation. In determining the amount of such penalty,
19 the appropriateness of such penalty to the size of the business
20 of the employer charged and the gravity of the violation shall
21 be considered. The amount of such penalty, when finally

1 determined, may be

2 (1) recovered in a civil action brought by the Director
3 of Labor in any circuit court, in which litigation the
4 Director of Labor shall be represented by the Attorney
5 General;

6 (2) ordered by the court, in an action brought for
7 violation under Section 19, to be paid to the Director of
8 Labor.

9 Any administrative determination by the Department of
10 Labor of the amount of each penalty shall be final unless
11 reviewed as provided in Section 17.1 of this Act.

12 Civil penalties recovered under this Section shall be paid
13 into the Child Labor, ~~and~~ Day and Temporary Labor Services, and
14 Prevailing Wage Enforcement Fund, a special fund which is
15 hereby created in the State treasury. Moneys in the Fund may be
16 used, subject to appropriation, for exemplary programs,
17 demonstration projects, and other activities or purposes
18 related to the enforcement of this Act or for the activities or
19 purposes related to the enforcement of the Day and Temporary
20 Labor Services Act or the Prevailing Wage Act.

21 (Source: P.A. 92-783, eff. 1-1-03.)

22 Section 94. The Prevailing Wage Act is amended by adding
23 Section 11c as follows:

24 (820 ILCS 130/11c new)

25 Sec. 11c. Prevailing Wage Enforcement Fund. Forty percent
26 of the civil penalties recovered under this Act shall be
27 deposited into the Child Labor, Day and Temporary Labor
28 Services, and Prevailing Wage Enforcement Fund and may be used
29 for the purposes set forth in Section 17.3 of the Child Labor
30 Law."